

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

PATRICIA LEWIS)
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Plaintiff,)
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v.)
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)
WAL-MART STORES EAST, L.P.,)
)
Defendant.)

ORDER

Before the Court is the motion of Plaintiff Patricia Lewis (“Plaintiff”) seeking leave to file an amended complaint [Doc. 23], and proposed amended complaint [Doc. 23-1]. Plaintiff seeks to amend her complaint to request additional damages for lost earnings and a loss of earning capacity, which she claims to have learned about in discovery [Doc. 23 at Page ID # 59]. The motion was filed long past the deadline for amending pleadings, and trial is set for October 30, 2018 [*see* Docs. 16, 21]. Defendant Wal-Mart Stores East, L.P. (“Defendant”) denies Plaintiff’s entitlement to such damages, but nevertheless states that it does not oppose Plaintiff’s request “to allege the asserted claims for alleged damages.” [Doc. 25].

Federal Rule of Civil Procedure 15(a)(2) requires “the opposing party’s written consent or the court’s leave” when a plaintiff seeks to amend their complaint at this late stage of the proceedings. “The court should freely give leave when justice so requires.” *Id.* The Court interprets Defendant’s response as giving consent to the amendment.

Accordingly, the Court **GRANTS** the motion [Doc. 23] as unopposed. Plaintiff **SHALL** file the amended complaint within **SEVEN DAYS** of the entry of this order.

SO ORDERED.

ENTER:

s/ Susan K. Lee

SUSAN K. LEE

UNITED STATES MAGISTRATE JUDGE